

**VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**



**CERTIFIED HOME INSPECTORS  
REGULATIONS**

Effective July 1, 2003

**STATUTES**  
Title 54.1, Chapter 5



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## STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your Virginia Home Inspector certification. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 5. The law permits the Board for Asbestos, Lead, and Home Inspectors to promulgate regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to get and keep your certification. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR CERTIFICATION.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in the booklet, please write to:

Virginia Board for Asbestos, Lead, and Home Inspectors  
Department of Professional and Occupational Regulation  
9960 Mayland Dr. Suite 400  
Richmond, VA 23233

or contact the Agency by telephone at (804) 367-8595 or by e-mail at [alhi@dpor.virginia.gov](mailto:alhi@dpor.virginia.gov).

Copies of the law and regulations mentioned above, as well as copies of the application forms needed to apply for a certificate, may be found on the Department's web site at [www.dpor.virginia.gov](http://www.dpor.virginia.gov).

## NOTICE

### SUMMARY OF QUALIFICATIONS

The regulations in this booklet became effective on July 1, 2003. A copy of Chapter 5 of Title 54.1 of the Code of Virginia as amended appears under the heading *Code of Virginia*. The 2001 Session of the Virginia General Assembly established a voluntary certification program for home inspectors.

**These regulations do not prohibit individuals from performing home inspections for hire provided they do not hold themselves out as or use the title of “certified home inspector,” or conduct or offer to provide a “certified home inspection.”**

As a regulant of the Board for Asbestos, Lead, and Home Inspectors, you are responsible for following all regulations and therefore you should read and become familiar with all of the regulation provisions in this booklet. The regulations establish the following:

- Entry, renewal, and reinstatement requirements.
- Minimum standards for conducting certified home inspections.
- Standards for conduct and practice.

Applicants for a home inspector certificate must:

- Be at least 18 years old.
- Have a high school diploma or equivalent.
- Have one of the following:

Completed 35 contact hours of classroom instruction and have completed a minimum of 100 home inspections; or

Completed 70 contact hours of classroom instruction and have completed a minimum of 50 home inspections.

- Have passed a written competency examination approved by the board.
- Have obtained a minimum of \$250,000 of general liability insurance.

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# CHAPTER 40

## VIRGINIA CERTIFIED HOME INSPECTORS REGULATIONS

### Part I

#### General

##### **18VAC15-40-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless a different meaning is provided or is plainly required by the context:

**"Board"** means the Virginia Board for Asbestos, Lead, and Home Inspectors.

**"Certificate holder"** means any person holding a valid certificate as a certified home inspector issued by the board.

**"Certification"** means an authorization issued to an individual by the board to perform certified home inspections by meeting the entry requirements established in these regulations.

**"Client"** means a person who engages or seeks to engage the services of a certified home inspector for the purpose of obtaining an inspection of and a written report upon the condition of a residential building.

**"Compensation"** means the receipt of monetary payment or other valuable consideration for services rendered.

**"Component"** means a part of a system.

**"Contact hour"** means 50 minutes of participation in a structured training activity.

**"Department"** means the Department of Professional and Occupational Regulation.

**"Fireplace"** means an interior fire-resistant masonry permanent or prefabricated fixture that can be used to burn fuel and is either vented or unvented.

**"Foundation"** means the base upon which the structure or a wall rests, usually masonry, concrete, or stone, and generally partially underground.

**"Function"** means the action for which an item, component or system is specially fitted or used, or for which an item, component or system exists.

**"Inspect"** or **"inspection"** means to visually examine readily accessible systems and components of a building established in this chapter.

**"Readily accessible"** means available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action that will likely involve risk to persons or property.

**"Reinstatement"** means having a certificate restored to effectiveness after the expiration date has passed.

**"Renewal"** means continuing the effectiveness of a certificate for another period of time.

**"Residential building"** means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

**"Solid fuel burning appliances"** means a hearth and fire chamber or similarly prepared place in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

**"Structural component"** means a component that supports nonvariable forces or weights (dead loads) and variable forces or weights (live loads).

**"System"** means a combination of interacting or interdependent components, assembled to carry out one or more functions.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

## **Part II**

### **Entry Requirements**

#### **18VAC15-40-20. Necessity for certification.**

Any person who holds himself out as or uses the title of "certified home inspector" or conducts or offers to provide a "certified home inspection" shall have a current and valid certificate issued by the board. Nothing in this chapter shall be construed to preclude noncertified individuals from performing home inspections for hire provided their conduct is in compliance with §54.1-517.1 of the Code of Virginia.

#### **Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

#### **18VAC15-40-30. Qualifications for certification.**

Every applicant for an individual home inspector certificate shall have the following qualifications:

1. The applicant shall be at least 18 years old.
2. The applicant shall meet the following educational and experience requirements:
  - a. High school diploma or equivalent; and
  - b. One of the following:
    - (1) Completed 35 contact hours of classroom instruction and have completed a minimum of 100 home inspections; or
    - (2) Completed 70 contact hours of classroom instruction and have completed a minimum of 50 home inspections.

Instruction courses shall cover the content areas of the board-approved examinations.

An applicant who cannot fulfill the classroom instruction requirement as outlined in this subsection may substitute a minimum of 10 years of experience as a home inspector to satisfy this requirement. The experience substitution is subject to board review and approval.

3. The applicant shall have passed a written competency examination approved by the board.
4. The board may accept proof of membership in good standing, in a national or state professional home inspectors association approved by the board, as satisfaction of subdivisions 1, 2, and 3 of this section, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the board for all applicants.
5. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a home inspector in such a manner as to safeguard the interests of the public.
6. The applicant shall disclose whether a certificate or license as a home inspector from any jurisdiction where certified or licensed has ever been suspended,



revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for certification in Virginia. The board may deny certification to any applicant so disciplined after examining the totality of the circumstances.

7. The applicant shall disclose any conviction or finding of guilt, regardless of adjudication, in any jurisdiction of the United States of any misdemeanor involving violence, repeat offenses, multiple offenses, or crimes that endangered public health or safety, or of any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Subject to the provisions of §54.1-204 of the Code of Virginia, the board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of residential home inspections. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. A certified copy of a final order, decree, or case decision by a court with the lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or guilt.

8. Procedures and appropriate conduct established by either the board or any testing service administering an examination approved by the board or both shall be followed by the applicant. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board or the testing service with regard to conduct at the examination shall be grounds for denial of the application.

9. Applicants shall show evidence of having obtained general liability insurance with minimum limits of \$250,000.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-40. Waiver of the requirements of this chapter.**

Except as required by law, the board may, in its reasonable discretion, waive any of the requirements of this chapter when in its judgment it finds that the waiver in no way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia to the public health, safety and welfare. The burden of proof that demonstrates continued public protection rests with the individual requesting the waiver. Documents referenced are in effect as they existed as of the date the act or action has occurred.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-50. Application fees.**

A. All application fees for certificates are nonrefundable and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received.

B. The fee for an initial application for Certified Home Inspector shall be \$25.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

### **Part III**

#### **Renewal and Reinstatement of Certificate**

##### **18VAC15-40-60. Renewal required.**

Certificates issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the certificate.

##### **Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

##### **18VAC15-40-70. Qualification for renewal.**

A. As a condition of renewal, all certified home inspectors shall be required to affirm that they continue to maintain insurance as required by 18VAC15-40-30. Failure to maintain the required insurance as directed by the board will result in the certification not being renewed or disciplinary action pursuant to this chapter, or both.

B. Each certificate holder desiring to renew the certificate shall return to the board the renewal application form and the appropriate fee as outlined in 18VAC15-40-100.

##### **Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

##### **18VAC15-40-80. Procedures for renewal.**

The board will mail a renewal application form to the certificate holder at the last known home address. These notices shall outline the procedures for renewal. Failure of the board to mail or of the certificate holder to receive these notices does not relieve the certificate holder of the obligation to renew.

##### **Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

##### **18VAC15-40-90. Failure to renew; reinstatement required.**

A. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within 30 days of the expiration date noted on the certificate, a late renewal fee shall be required in addition to the renewal fee.

B. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within six months of the expiration date noted on the certificate, a reinstatement fee shall be required.

C. All applicants for reinstatement shall meet all requirements set forth in 18VAC15-40-30.

D. A certificate may be reinstated for up to two years following the expiration date with payment of the reinstatement fee. After two years, the certificate shall not be

reinstated under any circumstances and the applicant shall apply as a new applicant, requiring the applicant to retake the examination.

E. The certificate holder who reinstates his certification shall be regarded as having been continuously certified without interruption. Therefore, the certificate holder shall remain under the disciplinary authority of the board during this entire period and shall be held accountable for his activities during this period.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-100. Fees for renewal, reinstatement and examination.**

A. All fees for renewal and reinstatement are nonrefundable, and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received.

B. Renewal and reinstatement fees are as follows:

Renewal fee	\$25
Late renewal fee	\$25
Reinstatement fee	\$100

C. The examination fee shall consist of the administration expenses of the department ensuing from the board's examination procedures and contract charges. Examination service contracts shall be established through competitive negotiations in compliance with the Virginia Public Procurement Act (§2.2-4300 et seq. of the Code of Virginia).

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-110. Board discretion to deny renewal or reinstatement.**

A. The board may deny renewal or reinstatement of a certificate for the same reasons as it may refuse initial certification or discipline a current certificate holder.

B. The board may deny renewal or reinstatement of a certificate if the applicant has not met the terms of an agreement for certification or not fully paid monetary penalties, satisfied sanctions and paid costs imposed by the board, plus any accrued interest.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

## **Part IV**

### **Minimum Standards for Conducting Certified Home Inspections**

#### **18VAC15-40-120. Certified home inspection contract.**

A. For the protection of both the client and the certificate holder, both parties shall sign a legible written contract clearly specifying the terms, conditions, and limitations and exclusions of the work to be performed.

B. At a minimum, the written contract shall include:

1. Name, business name (if applicable), business address, and telephone number of the certified home inspector.
2. Certificate number and expiration date of the certified home inspector.
3. Name of the clients.
4. Physical address of the residential properties to be inspected.
5. Cost and method of payment of the certified home inspection.
6. A listing of all areas, systems, and components to be inspected, including those inspections that are either partial or limited in scope.
7. To the extent that any of the following categories are not covered by the home inspection, they shall be noted as exclusions in the inspection contract:
  - a. The condition of systems or components that are not readily accessible.
  - b. The remaining life of any system or component.
  - c. The strength, adequacy, effectiveness, or efficiency of any system or component.
  - d. The causes of any condition or deficiency.
  - e. The methods, materials, or costs of corrections.
  - f. Future conditions including, but not limited to, failure of systems and components.
  - g. The suitability of the property for any specialized use.
  - h. Compliance with regulatory requirements (codes, including the Virginia Uniform Statewide Building Code, regulations, laws, ordinances, etc.).
  - i. The market value of the property or its marketability.
  - j. The advisability of the purchase of the property.
  - k. The presence of diseases harmful to humans or potentially hazardous plants or animals including, but not limited to, wood destroying organisms and mold.
  - l. The presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.
  - m. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.
  - n. The operating costs of systems or components.
  - o. The acoustical properties of any system or component.

To the extent any other items are not specifically included in the home inspection by agreement of the parties, they shall also be noted as exclusions in the inspection contract.

8. Expected delivery date to the client of the certified home inspection report.

9. Dated signatures of both the certified home inspector and the client.

C. The certified home inspection contract shall make written disclosure that the certified home inspection report is based upon visual observation of existing conditions of the inspected property at the time of the inspection and is not intended to be, or to be construed as, a guarantee, warranty, or any form of insurance.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-130. Certified home inspection report.**

A. Certified home inspection reports shall contain:

1. The name, business address and telephone number of the certificate holder as well as his certificate number and expiration date;
2. The name, address, and telephone number of the clients;
3. The physical address of the residential properties inspected; and
4. The date, time (to include both start and finish times of the inspection), and weather conditions at the time of the certified home inspection.

B. In conducting a certified home inspection and reporting its findings, the certified home inspector, at a minimum, shall inspect the condition of and describe the composition/characteristics of the following components, except as may be limited in the certified home inspection contract agreement:

1. Structural system.
  - a. Foundation.
  - b. Framing.
  - c. Stairs.
  - d. Crawl space, the method of inspecting the crawl space shall be noted and explained in the inspection report. If the crawl space cannot be inspected, the certificate holder shall explain in the inspection report why this component was not inspected.
  - e. Crawl space ventilation and vapor barriers.
  - f. Slab floor, when present.
  - g. Floors, ceilings, and walls.
2. Roof structure, attic, and insulation.
  - a. Roof covering. The method of inspecting the roof covering shall be noted and explained in the inspection report. If the roof covering cannot be inspected, the certificate holder shall explain in the inspection report why this component was not inspected.
  - b. Roof ventilation.

- c. Roof drainage system, to include gutters and downspouts.
  - d. Roof flashings.
  - e. Skylights, chimneys, and roof penetrations, but not antennae or other roof attachments.
  - f. Roof framing and sheathing.
  - g. Attic, unless area is not readily accessible due to size or condition of structure.
  - h. Attic insulation.
3. Exterior of dwelling.
- a. Wall covering, flashing, trim, and protective coatings.
  - b. Readily accessible doors and windows, but not the operation of associated security locks, devices, or systems.
  - c. Attached decks, balconies, stoops, steps, porches, carports, and any associated railings, but not associated screening, shutters, awnings, storm windows, or storm doors.
  - d. Eaves, soffits, and fascias where readily accessible from ground level.
  - e. Walkways, grade steps, patios, and driveways, but not fences or privacy walls.
  - f. Vegetation, trees, grading, drainage, and any retaining walls in contact with or immediately adjacent to the dwelling that may affect the dwelling.
  - g. Visible exterior portions of chimneys.
4. Interior of dwelling.
- a. Readily accessible interior walls, ceilings, and floors of dwelling and any attached garage.
  - b. Steps, stairways, railings, and balconies.
  - c. Countertops and installed cabinets, including hardware.
  - d. Readily accessible doors and windows, but not the operation of associated security locks, devices, or systems.
  - e. Garage doors and permanently mounted and installed garage door operators.
  - f. Fireplaces, including flues, venting systems, hearths, dampers, and fireboxes, but not mantles, fire screens and doors, seals and gaskets.
  - g. Solid fuel burning appliances if applicable.
5. Plumbing system.
- a. Interior water supply and distribution systems, including water supply lines and all fixtures and faucets, but not water conditioning systems or fire sprinkler systems.
  - b. Water drainage, waste, and vent systems, including all fixtures.
  - c. Drainage sumps, sump pumps, and related piping.
  - d. Water heating equipment, including heat energy source and related vent systems, flues, and chimneys, but not solar water heating systems.
  - e. Fuel storage and distribution systems for visible leaks.

6. Electrical system.
  - a. Service drop.
  - b. Service entrance conductors, cables, and raceways.
  - c. Service equipment and main disconnects.
  - d. Service grounding.
  - e. Interior components of service panels and sub panels, including feeders.
  - f. Conductors.
  - g. Overcurrent protection devices.
  - h. Readily accessible installed lighting fixtures, switches, and receptacles.
  - i. Ground fault circuit interrupters.
  - j. Presence or absence of smoke detectors.
  - k. Presence of solid conductor aluminum branch circuit wiring.
7. Heating system.
  - a. Heating equipment, including operating controls, but not heat exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters, solar heating devices, or heating system accessories such as humidifiers, air purifiers, motorized dampers, and heat reclaimers.
  - b. Energy source.
  - c. Heating distribution system.
  - d. Vent systems, flues, and chimneys, including dampers.
8. Air conditioning system.
  - a. Central and installed window/wall air conditioning equipment.
  - b. Operating controls, access panels, and covers.
  - c. Energy source.
  - d. Cooling distribution system.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*



**Part V**  
**Standards of Conduct and Practice**

**18VAC15-40-140. Conflict of interest.**

A. The certificate holder shall not:

1. Design or perform repairs or modifications to a residential building on which he has performed a certified home inspection as a result of the findings of the certified home inspection within 12 months after the date he performed the certified home inspection, except in cases where the home inspector purchased the residence after he performed the inspection;
2. Perform a certified home inspection of a residential building upon which he has designed or performed repairs or modifications within the preceding 12 months;
3. Refer his client to another party to make repairs or modifications to a residential building on which he has performed a certified home inspection within the preceding 12 months; or
4. Represent the financial interests, either personally or through his employment, of any of the parties to the transfer or sale of a residential building on which he has performed a certified home inspection.

B. The certificate holder shall not disclose any information concerning the results of the certified home inspection without the approval of the client for whom the certified home inspection was performed. However, the certificate holder may disclose information in situations where there is an imminent endangerment to life and health.

C. The certificate holder will not accept compensation, financial or otherwise, from more than one interested party for the same service on the same property without the consent of all interested parties.

D. The certificate holder shall not accept nor offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the certificate holder is responsible. Additionally, the certificate holder shall not enter into any financial relationship with any party that may compromise the certificate holder's commitment to the best interest of his client.

E. The certified home inspection shall not be used as a tool by the certificate holder to solicit or obtain work in another field, except for additional diagnostic inspections or testing.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-150. Grounds for disciplinary action.**

The board has the power to fine any certificate holder and to suspend or revoke any certificate issued under the provisions of Chapter 5 (§54.1-500 et seq.) of Title 54.1 of the Code of Virginia, and this chapter, where the certificate holder has been found to have violated or cooperated with others in violating any provision of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-160. Maintenance of certificates, reports, and documentation.**

A. A certificate holder shall at all times keep the board informed of his current home address. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A physical address is required; a post office box is not acceptable. The board shall not be responsible for the certificate holder's failure to receive notices, communications and correspondence caused by the certificate holder's failure to promptly notify the board of any change of address.

B. A certificate holder shall notify the board in writing of a name change within 30 calendar days of any change in the certificate holder's legal name. Such notification shall be accompanied by a copy of a marriage certificate, divorce decree, court order or other documentation that verifies the name change.

C. A certificate holder shall retain all records pertaining to certified home inspections performed to include, but not limited to, written reports and supporting documentation for a period of three years from the date of the related certified home inspection.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-170. Provision of records to the board.**

A certificate holder shall, upon demand, produce to the board or any of its agents any written reports and supporting documentation concerning any certified home inspection in which the certificate holder was involved, or for which the certificate holder is required to maintain records for inspection and copying by the board or its agents.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-180. Response to inquiry of the board.**

A certificate holder shall respond to an inquiry from the board or any of its agents within 15 business days.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

**18VAC15-40-190. Unworthiness and incompetence.**

Actions constituting unworthy and incompetent conduct include:

1. Obtaining a certificate by false or fraudulent representation.

2. Performing improvements or repairs to a residential building as a result of the findings of the certified home inspection within 12 months before or after performing a certified home inspection on it, except in cases where the home inspector purchased the residential building after he performed the inspection.
3. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.
4. Subject to the provisions of §54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any misdemeanor involving violence, repeat offenses, multiple offenses, or crimes that endangered public health or safety, or of any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. A certified copy of a final order, decree, or case decision by a court with the lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or guilt.
5. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty, regardless of adjudication in any jurisdiction of the United States of any misdemeanor involving violence, repeat offenses, multiple offenses, or crimes that endangered public health or safety, or of any felony, there being no appeal pending therefrom or the time for appeal having elapsed.
6. Failing to act as a certificate holder in such a manner as to safeguard the interests of the public.
7. Engaging in improper, fraudulent, or dishonest conduct in conducting a certified home inspection.
8. Having been found guilty by the board, an administrative body, or by any court of any misrepresentation in the course of performing home inspections.

**Historical Notes:**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003.*

## **NOTICE**

Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Asbestos, Lead and Home Inspectors. The version herein contains all changes, if any, that have been made by the General Assembly through the 2005 session. Any changes made during the 2005 session became effective July 1, 2005, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

### **CODE OF VIRGINIA TITLE 54.1.**

#### **CHAPTER 5. ASBESTOS, LEAD, AND HOME INSPECTORS**

##### **Section**

54.1-500	Definitions
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- 54.1-516 Disciplinary actions
- 54.1-516.1 Summary suspension of licenses or approvals; allegations to be in writing.
- 54.1-517 Penalties for willful violations
- 54.1-517.1 Applicability
- 54.1-517.2 Requirements for certification

#### **§ 54.1-500. Definitions**

As used in this chapter, unless the context requires a different meaning:

“Accredited asbestos training program” means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

“Accredited lead training program” means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

“Asbestos” means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

“Asbestos analytical laboratory license” means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

“Asbestos contractor's license” means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

“Asbestos-containing materials” or “ACM” means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

“Asbestos inspector's license” means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

“Asbestos management plan” means a program designed to control or abate any potential risk to human health from asbestos.

“Asbestos management planner's license” means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

“Asbestos project” or “asbestos abatement project” means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

“Asbestos project designer's license” means an authorization issued by the Board permitting a person to design an asbestos abatement project.

“Asbestos project monitor's license” means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

“Asbestos supervisor” means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

“Asbestos worker's license” means an authorization issued by the Board permitting an individual to work on an asbestos project.

“Board” means the Virginia Board for Asbestos, Lead, and Home Inspectors.

“Certified home inspection” means any inspection of a residential building for compensation conducted by a certified home inspector. A certified home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A certified home inspection may be limited in scope as provided in a home inspection contract, provided such contract is not inconsistent with the provisions of this chapter or the regulations of the Board.

“Certified home inspector” means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been certified by the Board.

“Friable” means that the material when dry, may be crumbled, pulverized or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

“Lead abatement” means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

“Lead-based paint” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

“Lead-based paint activity” means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

“Lead-contaminated dust” means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

“Lead-contaminated soil” means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

“Lead contractor” means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

“Lead inspection” means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

“Lead inspector” means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

“Lead project design” means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

“Lead project designer” mean an individual who has been licensed by the Board to prepare lead project designs.

“Lead risk assessment” means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

“Lead risk assessor” means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

“Lead supervisor” means an individual who has been licensed by the Board to supervise lead abatements.

“Lead worker” or “lead abatement worker” means an individual who has been licensed by the Board to perform lead abatement.

“Person” means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

“Principal instructor” means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training course or an accredited lead training course or both.

“Residential building” means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

“Training manager” means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training or an accredited lead training program or both.

**§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum**

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of ten members as follows: one shall be a representative of a Virginia licensed asbestos contractor, one shall be a representative of a Virginia licensed lead contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia licensed lead risk assessor, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos and lead training course provider, two shall be certified home inspectors and two shall be citizen members. Of the 1994 appointments, the terms shall be as follows: one member shall serve a term of two years, and one member shall serve a term of four years. Of the 2001 home inspector appointments, the terms shall be as follows: one home inspector shall serve a three-year term, and one home inspector shall serve a four-year term. Thereafter, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The initially appointed representatives of the lead industry shall be deemed to be certified upon having completed lead training offered at an Environmental Protection Agency Regional Training Center. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. Each home inspector appointment to the Board may be made from nominations submitted by the National Association of Home Inspectors and the American Society of Home Inspectors, who may each nominate no more than three persons for each home inspector vacancy. In no case shall the Governor be bound to make any appointment from such nominees. Home inspector members shall not vote on any matters before the Board except matters related to home inspectors until July 1, 2003.

The Board shall meet at least four times each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice chairman to serve for a period of one year. Six members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

**§ 54.1-501. Powers and duties of the Board**

The Board shall administer and enforce this chapter. The Board shall:



1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos and lead licenses, and governing conflicts of interest between various categories of asbestos and lead licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, training managers and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, examinations and the grading system for testing applicants for asbestos and lead licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations; and
7. Promulgate regulations for certification of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the home inspectors certified by the Board, the implementation of exemptions from certifications requirements, and the proper discharge of its duties.

#### **§ 54.1-501.1. Applicability**

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

#### **§ 54.1-502. Interdepartmental implementation plan**

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

#### **§ 54.1-503. Licenses required**

- A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.
- B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.
- C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

#### **§ 54.1-504. Asbestos supervisor's or worker's license required; exception**

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § 54.1-501.

#### **§ 54.1-505. Qualification for an asbestos contractor's license**

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § [54.1-504](#), ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

#### **§ 54.1-512. Exemptions from licensure**

- A. In an emergency that results from a sudden unexpected event that is not a planned renovation or demolition, the Board may waive the requirement for asbestos contractor's, supervisor's and worker's licenses.
- B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.
- C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ [8.01-195.1](#) et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.
- D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project if all of the asbestos or lead abatement work is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.
- E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

#### **§ 54.1-514. Award of contracts by state agencies and political subdivisions**

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

#### **§ 54.1-515. Employer discrimination; penalty**

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § 54.1-517.

#### **§ 54.1-516. Disciplinary actions**

- A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor or asbestos worker or (ii) the approval of an accredited asbestos training program, accredited lead training program, training manager or principal instructor, if the licensee or approved person or program:
  - 1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
  - 2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
  - 3. Fails to meet any applicable federal or state standard when performing an asbestos project or service or performing lead-based paint activities.
- B. The Board may reprimand, fine, suspend or revoke the license of, (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project or (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project.
- C. The Board may reprimand, fine, suspend or revoke the certification of a home inspector.

##### **§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.**

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact

finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § 54.1-307.1.

#### **§ 54.1-517. Penalties for willful violations**

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, and accredited asbestos training programs, accredited lead training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

##### **§ 54.1-517.1. Applicability.**

The certification program established under this article shall be voluntary and shall not be construed to restrict or otherwise affect the right of any person to conduct an inspection of a residential building for any purpose; however, no person may (i) refer to the inspection conducted as a “certified home inspection” or (ii) hold himself out as, or use the title of “certified home inspector,” unless he has been certified in accordance with this article. Any person offering to provide or conduct a “certified home inspection” within the meaning of this chapter or through verbal claim, sign, advertisement, or letterhead representing himself as a “certified home inspector” shall be subject to the provisions of § 54.1-111 of this title.

##### **§ 54.1-517.2. Requirements for certification.**

The Board may issue a certificate to practice as a certified home inspector in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed any educational requirements as required by the Board;
2. Completed any experience requirements as required by the Board; and
3. Passed any written or electronic examination offered or approved by the Board.

The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.